

REMARKS

The requirement for restriction is respectfully traversed.

MPEP §806.05 (c) states that: “The inventions are distinct if it can be shown that a combination as claimed: (A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and (B) the subcombination can be shown to have utility either by itself or in another materially different combination.”

The examiner has stated that “the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the ‘co-continuous’ feature.”¹ However, claim 1 reads: “A bipolar plate for PEM fuel cells ... wherein the at least two blend polymers form a co-continuous structure” Thus, contrary to the examiner’s statement, claim 1 does, indeed require that the “co-continuous feature.” The restriction requirement should be withdrawn. Favorable action is solicited.

¹ Page 2, lines 12 – 13 of the present Office action.